

**Notice of Allowability**

Application No.

09/781,682

Examiner

Sanza L McClendon

Applicant(s)

KOVAR ET AL.

Art Unit

1711

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/29/2004.
2. ☒ The allowed claim(s) is/are 1-13, 15-42 and 44-74.
3. ☒ The drawings filed on 12 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |  |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|   | 9. <input type="checkbox"/> Other _____.   |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

1. In response to the Amendment received on November 29, 2004, the examiner has carefully considered the amendments. The claim rejections under 35 U.S.C. § 112, 2nd paragraph for claim 1-13, 15-42, 44-57, and 59-74 have been overcome by the amendment and has hereby been withdrawn for consideration.

### *Response to Arguments*

2. Applicant's arguments filed November 29, 2004 have been fully considered and found persuasive. The rejection of claims 1-7, 20-21, 24-36, 41-42, 45-46, 54, 56-58, and 67-73 under 35 USC 102(b) as being anticipated by Kovar et al (5,977,269) has been withdrawn. The rejection of claims 1-7, 20-21, 24-25, 27-33, 35-36, 46, 54, 56-58, 68-69 and 71 under 35 USC 103(a) as being unpatentable over Kovar et al (5,977,269) in view of Schmittle et al (4,182,848) has been withdrawn. After reconsideration, the examiner agrees with applicant's arguments that one of ordinary skill in the art would not have found it obvious from the teachings in Kovar et al to polymerize the polyester/vinyl dioxolane-containing coating composition in the presence of a photoinitiator and irradiating with an ionizing radiation source. It is clear from Kovar that said coating compositions are to be thermally cured. In addition, Schmittle et al fails to overcome the deficiencies of Kovar et al. Schmittle et al fails to reasonably suggest the addition of a photoinitiator in a vinyl dioxolane end-capped oligomer. The combination of Kovar et al and Schmittle et al does not provide the necessary guidance for a skilled artisan to polymerize said coating composition, in the presence of a photoinitiator, using ionizing radiation. Therefore, the instant application is distinguished over the prior art.

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*Allowable Subject Matter*

3. Claims 1-13, 15-42, and 44-74 are allowed.
6. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sanza L McClendon whose telephone number is (571) 272-1074. The examiner can normally be reached on Monday through Friday 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck can be reached on (571) 272-1078. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-1700.

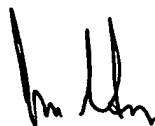
Sanza L McClendon

Examiner

Art Unit 1711

SMc

December 7, 2004



James J. Seidleck  
Supervisory Patent Examiner  
Technology Center 1700